

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

| | | |
|--------------------|---|---------------------------|
| Alonzo N. Justice, | : | |
| | : | |
| Petitioner, | : | Civil Action 2:10-cv-1152 |
| | : | |
| v. | : | Judge Smith |
| | : | |
| Robin Knab, | : | Magistrate Judge Abel |
| | : | |
| Respondent. | : | |

ORDER DENYING MOTION AMEND

On March 2, 2011, the Court entered an order adopting, over Plaintiff's objections, the initial screening Report and Recommendation of the Magistrate Judge, which recommended that this action was a petition for writ of habeas corpus and should be dismissed for failure to file the petition within the one-year statute of limitations created by 28 U.S.C. §2244(d)(1). Plaintiff filed a notice of appeal, and the Court denied his motion to proceed on appeal without prepayment of fees and cost.

Plaintiff's September 9, 2011 motion for leave to amend the pleadings (doc. 16) is **DENIED**. This is a closed case. Plaintiff's appeal is pending in the United States Court of Appeals for the Sixth Circuit.

Under the provisions of 28 U.S.C. §636(b)(1)(A), Rule 72(a), Fed. R. Civ. P., and Eastern Division Order No. 91-3, pt. F, 5, either party may, within fourteen (14) days after this Order is filed, file and serve on the opposing party a motion for

reconsideration by the District Judge. The motion must specifically designate the Order, or part thereof, in question and the basis for any objection thereto. The District Judge, upon consideration of the motion, shall set aside any part of this Order found to be clearly erroneous or contrary to law.

s/Mark R. Abel
United States Magistrate Judge